IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 13TH NOVEMBER 2007 / 22ND KARTHIKA 1929

Bail Appl..No. 6835 of 2007()

(CRIME NO.162/2007 OF IRIKKUR POLICE STATION)
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PETITIONER/ACCUSED

A.P.EBRAHIM KUTTY, S/O. M.P.MAMMU HAJI,
CRESENT HOUSE, KAMBIL, P.O.KOLACHERRY, KANNUR.

BY ADV. SRI.SOJAN MICHEAL

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6835 of 2007

Dated this the 13th day of November, 2007

ORDER

Application for anticipatory bail. The petitioner is the sole accused in a crime registered under Sections 406 and 420 I.P.C. A private complaint was filed by the defacto complainant and the same was referred to the police under Section 156(3) Cr.P.C. The crux of the allegations is that the petitioner had received an amount of Rs.20,000/- from the defacto complainant fraudulently inducing him to make a job visa for employment abroad available to him. Visa was not furnished. The amount was not returned. It is, in these circumstances, that the complaint was filed.

2. The learned counsel for the petitioner submits that there was absolutely no intention to fraudulently deceive the defacto complainant. Of the total amount of Rs.20,000/-, Rs.12,000/- (Rupees Twelve thousand only) has already been paid. The petitioner is willing to pay or deposit the balance amount of Rs.8,000/-. The petitioner has no guilty intention whatsoever. The petitioner may not be subjected to the trauma of undeserved arrest and detention, submits the learned counsel for the petitioner.

3. The learned Public Prosecutor does not oppose the application. The learned Public Prosecutor confirms that an amount of Rs.12,000/- (Rupees Twelve thousand only) has already been paid to the complainant. If the petitioner is prepared to pay/deposit the balance amount, subject to appropriate conditions, anticipatory bail can be granted to the petitioner, submits the learned Public Prosecutor. I am satisfied that anticipatory bail can be granted to the petitioner.

4. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioner shall appear before the learned Magistrate at 11 a.m on 20.11.2007;

ii) He shall be enlarged on regular bail if he deposits the balance amount of Rs.8,000/- (Rupees Eight thousand only) before the learned Magistrate and executes a bond for Rs.25,000/- (Rupees Twenty Five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

iii) The said amount of Rs.8,000/- shall forthwith be released to the defacto complainant by the learned Magistrate;

iv) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 1 p.m on

21.11.2007 and 22.11.2007 and thereafter as and when directed by the Investigating Officer in writing to do so;

v) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

vi) If the petitioner were arrested prior to his surrender on 20.11.07 as directed in clause (1) above, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 20.11.07.

(R.BASANT, JUDGE)

rtr/-